



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )  
JAMES W. LANDES, ET AL. ) Art Unit: 3618  
Application No.: 09/977,726 ) Examiner: Swenson, Brian L.  
Filed: October 15, 2001 ) Paper No.: 6  
For: APPARATUS AND METHOD FOR )  
DATA COMMUNICATION )  
Attorney Docket No.: 01-521 )

Peoria, Illinois 61629-6490

Date: July 25, 2003

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Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE AFTER FINAL OFFICE ACTION AND  
REQUEST FOR WITHDRAWAL OF FINALITY  
OF THE OFFICE ACTION

Sir:

In response to the Official Action mailed April 28, 2003, the period for response being until July 28, 2003, please consider the following comments and remarks.

INTRODUCTORY COMMENTS

Reconsideration of the claims and reconsideration of the finality of the prior Office action in light of the accompanying remarks is respectfully requested.



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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/977,726
Filing Date	10/15/2001
First Named Inventor	James W. Landes ET AL.
Group Art Unit	3618
Examiner Name	Swenson, Brian L.
Attorney Docket Number	01-521

Total Number of Pages in This Submission

10

## ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form  
☐ Fee Attached  
☒ Amendment / Reply  
☒ After Final  
☐ Affidavits/declaration(s)  
☐ Extension of Time Request  
☐ Express Abandonment Request  
☐ Information Disclosure Statement  
☐ Certified Copy of Priority Document(s)  
☐ Response to Missing Parts/Incomplete Application  
☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)  
☐ Drawing(s)  
☐ Licensing-related Papers  
☐ Petition  
☐ Petition to Convert to a Provisional Application  
☐ Power of Attorney, Revocation Change of Correspondence Address  
☐ Terminal Disclaimer  
☐ Request for Refund  
☐ CD, Number of CD(s) \_\_\_\_\_

- ☐ After Allowance Communication to Group  
☐ Appeal Communication to Board of Appeals and Interferences  
☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  
☐ Proprietary Information  
☐ Status Letter  
☐ Other Enclosure(s) (please identify below):

Remarks

Faxed to: 703-305-7687

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm  
or  
Individual name

D. James Barnes, Registration No. 48,869

Signature

*D. James Barnes*

Date

July 25, 2003

## CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on this date:

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*D. James Barnes*

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In re Application of )  
JAMES W. LANDES, ET AL. ) Art Unit: 3618  
Application No.: 09/977,726 ) Examiner: Swenson, Brian L.  
Filed: October 15, 2001 ) Paper No.: 7  
For: APPARATUS AND METHOD FOR )  
DATA COMMUNICATION )  
Attorney Docket No.: 01-521 )

Peoria, Illinois 61629-6490

Date: August 11, 2003

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RECEIVED  
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GROUP 3600

STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

Sir:

In response to the Interview Summary mailed July 25, 2003 regarding a telephone interview of July 11, 2003 between the Supervisory Patent Examiner (Brian L. Johnson) and Applicants' representative (D. James Barnes), the following summary is provided.

It is submitted that the Supervisory Patent Examiner's Interview Summary accurately reflects the substance of the interview. Applicants' representative requested reconsideration of the Finality of the Office action mailed April 28, 2003 as premature since Applicants' most recent amendments to the independent claims of the application were minor in nature and did not necessitate the Examiner's new ground of rejection.

According to the Supervisory Patent Examiner's request, Applicants submit that a formal response to each and every rejection in the Office action, along with a formal request for reconsideration/withdrawal of finality of the previous Office action, was

transmitted via facsimile to the Patent Office on July 25, 2003. For the Examiner's convenience, a copy of Applicants' submission of July 25, 2003 is enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. James Barnes', written over a horizontal line.

D. James Barnes  
Registration No. 48,869  
Caterpillar Inc.

Telephone: (309) 494-1815  
Facsimile: (309) 675-1236

AF/3618



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<h1>TRANSMITTAL FORM</h1> <p><i>(to be used for all correspondence after initial filing)</i></p>	<b>Application Number</b>	09/977,726
	<b>Filing Date</b>	10/15/2001
	<b>First Named Inventor</b>	James W. Landes ET AL.
	<b>Group Art Unit</b>	3618
	<b>Examiner Name</b>	Swenson, Brian L.
<b>Total Number of Pages in This Submission</b>		<b>Attorney Docket Number</b> 01-521

ENCLOSURES <i>(check all that apply)</i>		
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<div style="border: 1px solid black; height: 40px; width: 100%;"></div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	D. James Barnes, Registration No. 48,869
Signature	
Date	August 11, 2003

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\* \* \* COMMUNICATION RESULT REPORT ( JUL. 25. 2003 5:16PM ) \* \* \*

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For: APPARATUS AND METHOD FOR DATA  
COMMUNICATION

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